

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHANNON JONES, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.

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1:21-cv-10082 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Defendants move to bifurcate Plaintiff's claims against the municipal defendants under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978), from claims against the individually-named defendants or, alternatively, to stay *Monell* discovery until after other fact discovery is completed. For the reasons that follow, the motion is denied.

Bifurcation is a procedural device that may be employed to avoid prejudice or promote judicial economy and convenience. *See Vichare v. AMBAC Inc.*, 106 F.3d 457, 466 (2d Cir. 1996). The decision to bifurcate discovery "rests within the sound discretion of the trial court." *Dallas v. Goldberg*, 143 F. Supp. 2d 312, 315 (S.D.N.Y. 2001). The party seeking bifurcation bears the burden of establishing that bifurcation is warranted. *Id.*

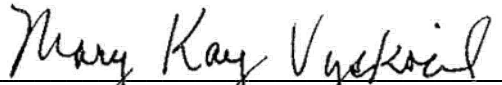
Here, the City Defendants argue that bifurcation or a stay will avoid the time and expense of *Monell* discovery because the City's liability is contingent upon a finding that an individual defendant is liable for violating Plaintiff's constitutional rights. Defendants specifically argue that bifurcation or a stay is appropriate because *Monell* discovery will be time consuming and if they are focused on that discovery, "they cannot also dedicate resources to settlement discussions in a meaningful way." ECF No. 34 ("Dfs' Ltr.") at 2. The Court disagrees.

As a preliminary matter, the need to devote resources to *Monell* discovery does not preclude the parties from engaging in meaningful settlement discussions. There is no credible reason why the City Defendants cannot walk and chew gum at the same time. Additionally, the resources that would need to be devoted to such discovery in this case are minimal, or at least less than usual, given that, as the City Defendants themselves concede, “*Monell* discovery regarding the same subjects and protests is ongoing in . . . consolidated cases.” Dfs’ Ltr. at 2. Accordingly, the City Defendants’ motion to bifurcate or stay *Monell* discovery is denied.

The Clerk of Courts respectfully is requested to close the motion pending at ECF No. 34.

SO ORDERED.

Date: February 27, 2023
New York, NY



MARY KAY VYSKOČIL
United States District Judge